

AMENDED IN SENATE APRIL 9, 2012

SENATE BILL

No. 1251

Introduced by Senator Evans

February 23, 2012

An act ~~relating to invasive aquatic species~~ *to add Section 35626 to the Public Resources Code, relating to coastal resources.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1251, as amended, Evans. ~~Invasive aquatic species: quagga mussels.~~ *Ocean Protection Council: Aquatic Invasive Species Working Group.*

Existing law establishes the Ocean Protection Council, and prescribes the membership and functions and duties of the council. Existing law requires the council, among other things, to coordinate activities of state agencies that are related to the protection and conservation of coastal waters and ocean ecosystems to improve the effectiveness of state efforts to protect ocean resources within existing fiscal limitations. Existing law also establishes the Wildlife Conservation Board, and prescribes its functions and duties with regard to land preservation and species protection and control.

This bill would require the council and the board, upon appropriation of funding by the Legislature, to jointly establish an Aquatic Invasive Species Working Group for the development and implementation of an aquatic invasive species control program, comprised of specified members appointed by the Secretary of the Natural Resources Agency. The bill would prescribe the functions and duties of the working group with regard to the management of aquatic invasive species within different regions of the state. The bill would require the working group, no later than January 1, 2014, to prepare and submit to the Legislature

a report containing recommendations for future legislation pertaining to the management of aquatic invasive species in the state.

~~Existing law, until January 1, 2017, generally prohibits a person from possessing, importing, shipping, or transporting, in the state, or from placing, planting, or causing to be placed or planted in any water within the state, dreissenid mussels, including, but not limited to, quagga mussels, and authorizes the Director of Fish and Game or his or her designee to engage in various enforcement activities.~~

~~This bill would state the intent of the Legislature to enact legislation to require the Department of Fish and Game to develop a new statewide quagga mussel prevention and management plan dependent on criteria, including, but not limited to, inspection protocols and the tracking of vessels.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 *SECTION 1. Section 35626 is added to the Public Resources*
- 2 *Code, to read:*
- 3 *35626. (a) (1) The council and the Wildlife Conservation*
- 4 *Board shall make a grant, upon appropriation of funding by the*
- 5 *Legislature, to jointly establish an Aquatic Invasive Species*
- 6 *Working Group for the development and implementation of an*
- 7 *aquatic invasive species control program. The working group shall*
- 8 *be comprised of the following members, who shall be appointed*
- 9 *by the Secretary of the Natural Resources Agency:*
- 10 *(A) One member representing county agricultural*
- 11 *commissioners.*
- 12 *(B) One member representing California horticultural invasive*
- 13 *species prevention groups.*
- 14 *(C) One member representing the California Invasive Plant*
- 15 *Council.*
- 16 *(D) One member representing the Western Aquatic Plant*
- 17 *Management Society.*
- 18 *(E) One member representing the aquarium trade.*
- 19 *(F) One member representing aquaculture.*
- 20 *(G) Two members representing marinas in the state, with one*
- 21 *member representing marine water marinas, and the other member*
- 22 *representing freshwater marinas.*

1 (H) Two members representing commercial shipping interests,
2 with one member representing northern California shipping, and
3 one member representing southern California shipping.

4 (I) Two members representing recreational boating interests,
5 with one member representing marine water boating, and one
6 member representing freshwater boating.

7 (J) Two members representing harbors and ports, with one
8 member representing small ports, and one member representing
9 large ports.

10 (K) Two members representing southern California counties.

11 (L) Two members representing northern California counties.

12 (M) Two members representing environmental organizations.

13 (N) Two members representing public water agencies.

14 (O) Two members representing recreational fishing interests.

15 (P) Two members representing commercial fishing interests.

16 (Q) One Member representing the California Ocean Science
17 Trust.

18 (2) Each of the members appointed pursuant to paragraph (1)
19 shall designate an alternate member to serve in his or her place
20 when the member is unavailable.

21 (b) The working group shall collaborate with the California
22 Agencies Aquatic Invasive Species Team (CAAIST). CAAIST shall
23 be available to assist the working group in an advisory capacity.
24 The working group and CAAIST shall regularly communicate and
25 exchange information, and the working group shall notify CAAIST
26 of the date, time, place, and agenda of its scheduled meetings.

27 (c) The working group shall utilize a science panel, comprised
28 of three to six members with expertise in aquatic invasive species,
29 at least one of whom shall be a representative of the University of
30 California. The members of the science panel shall be appointed
31 by the Secretary of the Natural Resources Agency, and the panel
32 shall serve in an advisory capacity to the working group. The
33 working group shall notify the members of the science panel of
34 the date, time, place, and agenda of its scheduled meetings.

35 (d) The working group shall do all of the following:

36 (1) Convene participants of the working group, gather and
37 analyze relevant data pertaining to invasive species, develop an
38 action plan for the working group, and implement procedures to
39 carry out the action plan.

1 (2) (A) *No later than January 1, 2014, the working group shall*
2 *prepare and submit to the Legislature, pursuant to Section 9795*
3 *of the Government Code, a report containing recommendations*
4 *for future legislation pertaining to the management of aquatic*
5 *invasive species in the state. The report shall also be distributed*
6 *to public agencies and stakeholder groups, the Invasive Species*
7 *Council of California, and the California Invasive Species Advisory*
8 *Committee. The goal of the report is to develop a well-funded,*
9 *comprehensive, statewide approach to the management and control*
10 *of aquatic invasive species, and to facilitate leadership,*
11 *collaboration, and coordination among state departments and*
12 *offices, local governments, and various stakeholders that emphasize*
13 *aquatic invasive species education and outreach, early detection*
14 *and monitoring, rapid response, control, and eradication.*

15 (B) *Pursuant to Section 10231.5 of the Government Code, this*
16 *paragraph is inoperative on January 1, 2018.*

17 (3) *The working group shall give priority and recommend*
18 *actions to implement programs intended to control aquatic invasive*
19 *species through prevention, early detection, control, and*
20 *eradication. The working group shall recommend the top aquatic*
21 *invasive species threats for the purpose of allocating state*
22 *resources to control those species. The working group shall*
23 *recommend funding sources for a comprehensive statewide control*
24 *program, and shall recommend ways to eliminate duplication*
25 *among state agencies working on aquatic invasive species control.*

26 (4) *In carrying out its duties, the working group shall utilize*
27 *specified documents pertaining to aquatic invasive species control,*
28 *including, but not limited to, the Aquatic Invasive Species Rapid*
29 *Response Plan, the California Aquatic Invasive Species*
30 *Management Plan of 2008, Stopping the Spread: A Strategic*
31 *Framework for Protecting California from Invasive Species, and*
32 *any updates of these plans or documents.*

33 (e) *The working group may establish subcommittees from the*
34 *working group membership to focus on issues specific to different*
35 *species of aquatic invasive species or to particular regions of the*
36 *state. The subcommittees shall report their recommendations, if*
37 *any, to the working group as a whole.*

38 (f) *The working group shall hold at least one public hearing*
39 *per year to solicit input from government agencies, private*
40 *organizations, and members of the public.*

1 (g) *The council may provide a grant to the working group to*
2 *cover the travel costs and other expenses incurred by members of*
3 *the working group in connection with the performance of their*
4 *duties.*

5 ~~SECTION 1. It is the intent of the Legislature to enact~~
6 ~~legislation to require the Department of Fish and Game to develop~~
7 ~~a new statewide quagga mussel prevention and management plan~~
8 ~~dependent on criteria, including, but not limited to, inspection~~
9 ~~protocols and the tracking of vessels.~~